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Patent  
Docket No. NET-007 US (7033282001)Remarks

Amendments to claims 1 and 22 are to make explicit of what was already inherent in these claims. No new matter has been added.

Claims 1, 4-11, 13-16, 20-24, 27, 28, 30-33, 35-38, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0046259 (Abrishami) in view of U.S. Patent Application Publication No. 2005/0089052 (Chen).

Claim 1 recites relaying the demodulated data in the terminated modem call from a near end of a wireless broadband channel to a far end of the wireless broadband channel. Claim 22 recites a similar limitation. Applicants agree with the Examiner that Abrishami does not disclose or suggest the above limitation. According to the Office Action, paragraphs 161-163 and 231 of Chen allegedly disclose the above limitation, and therefore, it would have been allegedly obvious to combine this with Abrishami. However, Applicants respectfully submit that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. MPEP § 2143.01. Because there is no proper motivation for one skilled in the art to combine Abrishami and Chen in the manner described in claims 1 and 22, other than the impermissible hindsight in view of the present application, Applicants respectfully request that the § 103 rejection be withdrawn.

Applicants further note that Abrishami specifically teaches transmitting data using *low data rate narrowband network* (see abstract), and therefore, in fact teaches away from combining the broadband feature of Chen. For this additional reason, claims 1 and 22, and their respective dependent claims, are believed allowable over Abrishami, Chen, and their combination.

Further, the cited passages of Chen actually disclose:

In one embodiment of the present invention, the narrow-band communications channel is used to provide a conventional wired voice channel, communications channel redundancy, as well as provide automatic broadband service provisioning and configuration. In such an embodiment the narrow-band communications channel is also used to help initialize other components of the phone-based home gateway interfaces 36, 80. However, the present invention is not limited to such an embodiment.

At Step 196, one or more broadband communications channels such as an ADSL 104, ATM over ADSL 104 or other broadband communications channel is

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established automatically with the PSTN 22. In one embodiment of the present invention, the broadband communications channel is used to provide broadband voice, video or data communications with the PSTN 22 or Internet 24. However, the present invention is not limited to such an embodiment.

At Step 198, a data communications interface is automatically initialized, such as an IP interface, for the Internet 24. The automatic initialization includes initializing network addresses such as IP and other types of network addresses, and initializing data network configuration parameters. The automatic initialization helps hide initialization and configuration complexity from users of the home gateway interfaces.

FIG. 15 is a block diagram 209 illustrating an integrated secure gateway system 210. The integrated secure gateway system includes a wireless gateway interface 212 for initializing wireless and wired broadband communications, for providing gateway, routing and bridging for wireless and wired broadband networking communications and for automatic service provisioning for allocating, configuring and maintaining multiple transmission channels and virtual communications paths used for wired and wireless broadband communications; a wired communications interface 214 for connecting to external wired devices, for connecting to one or more wired broadband communications networks and for providing wired broadband communications; a wireless communications interface 216 for connecting to external wireless devices, for connecting to one or more wireless broadband communications networks, for providing wireless broadband communications; a security interface 218 for providing secure communications via the wired communications interface and the wireless communications interface; a network power module 220 for providing power to the integrated gateway system, wherein the network power module obtains power from a communications wire connected between the integrated gateway system and a communications network and two or more removable RF antennas 222.

As such, the cited passages disclose using broadband communications in a network, and do not disclose or suggest *relaying the demodulated data in the terminated modem call* from a near end of a wireless broadband channel to a far end of the wireless broadband channel (emphasis added), as recited in claims 1 and 22. For this additional reason, claims 1 and 22, and their respective dependent claims, are believed allowable over Abrishami, Chen, and their combination.


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Docket No. NET-007 US (7033282001)CONCLUSION

Reconsideration and allowance of the claims is respectfully requested. The Examiner may call the Assignee's attorney at (650) 849-4960 to further advance prosecution of this case to issuance.

If the Commissioner determines that additional fees are due or that an excess fee has been paid, the Patent Office is authorized to debit or credit (respectively) Deposit Account No. 50-2518, reference no. 3001063-7033282001.

Respectfully submitted,

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